

REMARKS

Claims 1-7 are pending in this application. Claims 1 and 7 are herein amended. No new matter has been entered.

By statute, the National Stage of the PCT application must be a true translation of the PCT application. The amendment herein is made to correct the specification page 4 of the national stage application so that it is an exact translation of the PCT application. Thus, no new matter has been entered.

Support for newly amended claims 1 and 7 may be found within Applicants' specification as originally filed, for example see page 33, Table 4 and page 4.

The Rejections Based on 35 U.S.C. §112

Claims 1-3 and 7 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

Claim 1 and Applicants' specification are herein amended. In light of these amendments, Applicants' specification is in compliance with the written description requirement.

Favorable reconsideration is earnestly solicited.

The Rejections Based on 35 U.S.C. §103

Claims 1-3 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Görl et al. (U.S. 6,433,064) in view of Beppu et al. (U.S. 4,551,240) and in view of extrinsic evidence supplied by Watanabe et al. (JP 2003-286369). Applicants respectfully traverse this rejection.

Granules are produced in Görl et al. by co-coagulation of silica and rubber. As explained in the Background Arts section of Applicants' specification, silica-filled rubber granules produced in accordance with the process of Görl et al. by using fluidized bed dryer have a sphericity of at most 0.61. See Görl, Col. 7, lines 9-10. Thus, the silica-filled rubber granules of Görl fail to achieve granules having a sphericity of 0.68-0.85.

Görl does not disclose, teach, suggest or provide any reasoning for the detailed technical means for the drying step. Görl merely discloses the words "drying stage" and does not include a concrete technical means to achieve an average particle diameter, a weight ratio or sphericity as claimed in the presently claimed invention.

Throughout Görl et al., what is given for drying technical means is nothing but a fluidized bed dryer, which is described above. When a co-coagulation product of silica and rubber is dried on a fluidized bed dryer, distribution of granule size becomes wider as described in Comparative Example 2 of Applicants' specification. The resulting silica-filled rubber granules are different from those of the presently claimed invention, as in claim 1. Thus, Görl does not provide sufficient disclosure to enable one of ordinary skill in the art to achieve the presently claimed invention. "Reference must provide an enabling disclosure of the desired subject matter." See MPEP §2121.01.

In addition, if a co-coagulated product of silica and rubber is dried in a box-type drier, the resultant granules will not be spherical but will become lumpy mass as shown in Comparative Example 1 of Applicants' specification. Even where such a lumpy mass is crushed, it will not result in spherical granules as in claim 1. Thus, the selection of a specified range of sphericity

0.68-0.85, as recited in claim 1, is significant in achieving the desired objective. Thus, the presently claimed invention is not obvious from Görl et al. and Beppu et al. Favorable reconsideration is earnestly solicited.

In view of the foregoing, the silica-filled rubber granules of the presently claimed invention is suppressed in the amount of existing fine powders so that the granules are extremely less powdery and excellent in handling and kneading. A cross-linked rubber composition derived from the rubber granules, wherein the silica and rubber have homogeneously been mixed, is indeed excellent in reinforcing property. Thus, the silica-filled rubber granules of the present invention have a wide utility. See Applicants' specification, page 18.

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §112 and the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No.: 10/568,393
Art Unit: 1796

Response under 37 C.F.R. §1.111
Attorney Docket No.: 062072

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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